

FARAD CONTINUATION SHEET NO.:
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
WRIT PETITION NO.6480 OF 2004

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Office Notes, Office Memoranda of : Court's or Judge's orders.
coram, appearances, Court's orders :
or directions and Registrar's :
orders. :
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Mr.Sachin Manale with
Mr.S.S.Palcale for petitioner.
Mr.V.P.Malvankar, AGP for res.Nos.1
& 4.
Mr.P.D.Dalvi for res.Nos.2 & 3.

**CORAM : H.L GOKHALE &
J.H.BHATIA, JJ.**
DATED : 15th June 2006

P.C. :
1. Heard the learned Counsel
for the parties.

2. The petitioner seeks an
appointment for her son in place
of her late husband who was
working in respondent No.3-school
as a Clerk. The case of the
petitioner is that necessary steps
were not being taken by the
respondents and, therefore, she
was required to file the present
petition. She has now informed us
that one Dagdu Dynu Pawar was
working as a Clerk and has

recently retired i.e. on 31st December 2005 and his post is lying vacant. The Government has filed an affidavit dated 27th August 2004 of one Vrunda Pawar, Under Secretary to the School Education Department. She has stated in para-2 thereof that the Education Officer (Secondary), Zilla Parishad, Kolhapur will be instructed to examine the proposal of the petitioner regarding the compassionate appointment in the light of the Government Resolution dated 31st December 2002.

3. Mr.Dalvi appearing for respondent Nos.2 and 3 has informed us that after filing of the petition the Management of respondent Nos.2 and 3 has changed hands and now it is one Shree Jagadguru Panchacharya Education Society, which is in-charge. If that is so, it is for the successor Management to follow the

concerned Government Resolution inasmuch as the school, which is being run by the Institution, is an aided school.

4. The petitioner's son will, therefore, apply to the new Management with a copy to the Education Officer (Secondary), Zilla Parishad for being considered for his appointment on compassionate ground in the vacancy of a Clerk. Mr. Manale has tendered a copy of the examination result of the petitioner. He has passed his B.Com. examination in October 2005 and prima facie, he does have the requisite qualification. In view thereof, on the petitioner applying for the post, we expect the new Management to consider the application for appointment to the post of Clerk sympathetically and in the light of the concerned Government Resolution. The petitioner's son

will apply within two weeks hereafter and we expect the school Management as well as the Education Officer to take appropriate decision within six weeks from the receipt of the application.

5. Petition stands disposed of with the above order.

(H.L.GOKHALE, J.)

(J.H. BHATIA, J.)